

**ZONING BOARD OF APPEALS  
STAFF REPORT – DECEMBER 10, 2014**

Agenda Item 6

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**CASE NO. BAP-48-14: VARIANCE**

District: 10/Cox

**Applicant:** THOMAS DUANE HILL

**Owner:** Thomas Duane Hill & Romona Jan Hill

**Location:** 7422 Whispering Pines Drive (North side of Whispering Pines Dr. & 500' east of Lutz Road)

**Existing Zoning:** R-1D

**Requested Variances:** **Fence within Front Yard Setback and Height Requirements**

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**GENERAL INFORMATION:**

- Applicant is requesting two (2) variances:
- The first variance is a fence setback issue. The solid 8' fence starts 3' off of the front property line. 51-1159 (a) allows a solid fence, up to 3' in height in the first 15' off of the property line.
- The second variance is for a solid 8' fence located on the front side yard. 51-1159 (b) allows solid 6-8' fences in the side and rear yards, not in the front yard, height variance is 5'.
- Applicant has stated that he installed the fence to create a noise and safety barrier from the four dogs which live on the adjacent western, front yard.
- **A fence contractor installed the wood fence for the applicant, but no application was submitted for the required permit prior to constructing the stockade fence.**

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**SITE PLAN CONSIDERATIONS:**

- The site has 2.43 acres. There is a residence and a shop on this site which meet setbacks. Driveway is located on the eastern side of the site.
- The new solid fence is on the western property line. Fence starts about 3' off of the front property line. The solid fence height starts at 8'.
- At front of property the fence is 8' tall for 183'. Then it drops down to 6' tall for 72' in back yard. Total length of fence is 255'.

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**MASTER PLAN CONSIDERATIONS:**

The Future Land Use Map appears to identify this site as "Residential Low".

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**STAFF RECOMMENDATION:**

Staff recommends denial of this variance request because it does not meet the required criteria as outlined in Sec. 106-46, which refers to circumstances that demonstrate exceptional or undue hardship on the property owner as those meriting a variance, such as exceptional narrowness, shallowness, shape of an existing property or exceptional topographic conditions.

The applicant did not advantage of the opportunity to go through the correct permitting process in order to verify his compliance with the ordinance prior to the installation of the fence. Likewise the applicant's reasons for installing the fence should have been addressed as a Parish enforcement issue pertaining to excessive noise and animal control.

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The information stated herein is the result of discussion by a staff review team. The Board members will use all information made available to them in making their decision.

A Zoning Board of Appeals approval is a use approval only. The applicant is still responsible for complying with all other applicable Zoning Ordinance requirements and obtaining all necessary permits and approvals from other departments or agencies. This shall include, but not be limited to the requirements of the Zoning Administrator, building permits, liquor licenses, the parish health unit, and Certificates of Occupancy.

Special Exception Use approvals expire within 1 year if the property is not developed for the approved use.

BAC-48-14

R-A

CANYON CREEK

Brossette

Lutz

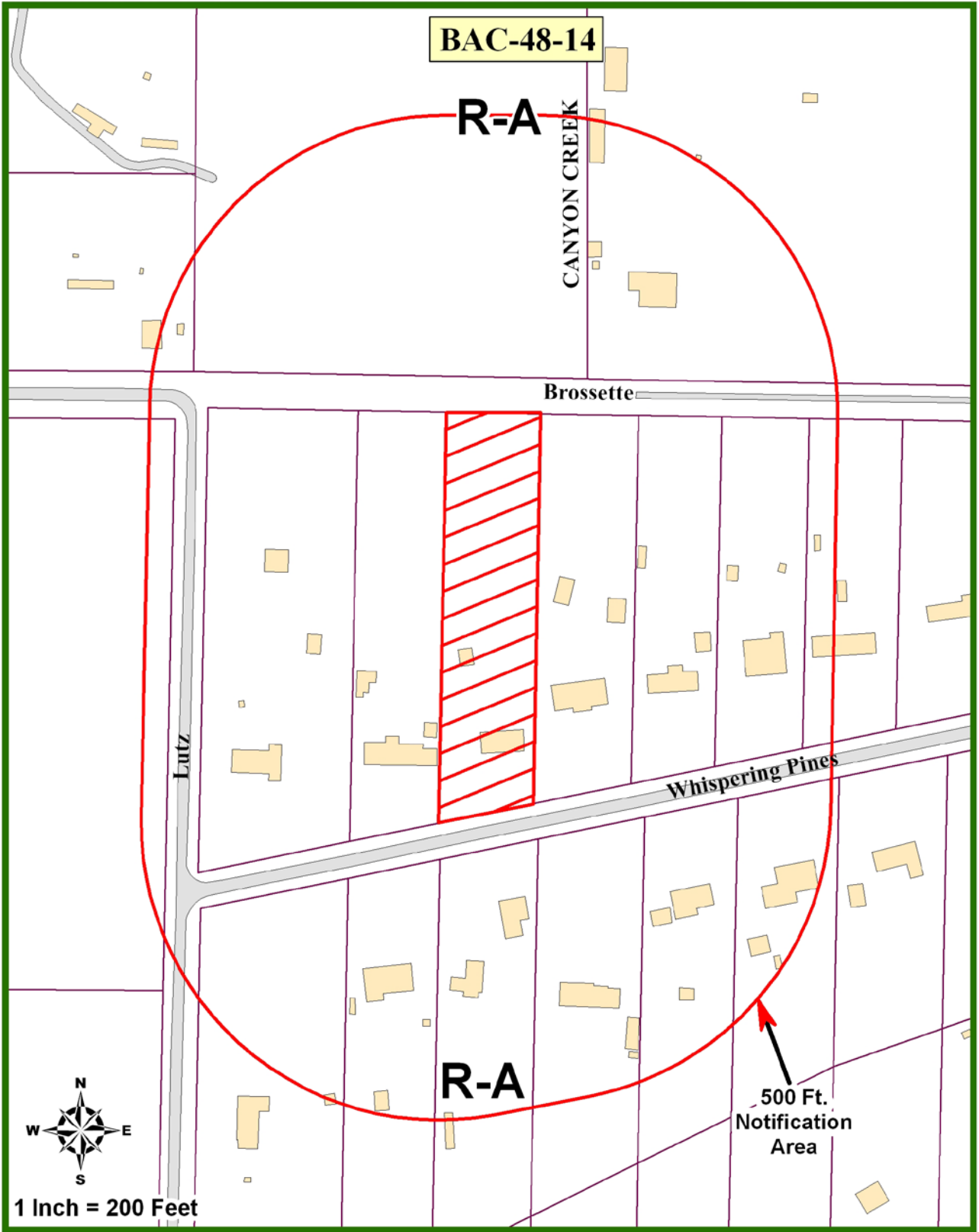
Whispering Pines

R-A

500 Ft.  
Notification  
Area



1 Inch = 200 Feet







11/21/2014









